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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/922,473	08/03/2001	Alex Urich	155696-0033	155696-0033 7208	
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	ANELLA LLP	EXAMINER			
840 NEWPORT CENTER DRIVE SUITE 400			THOMPSON, MICHAEL M		
NEWPORT BEACH, CA 92660			ART UNIT	PAPER NUMBER	
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			DATE MAILED: 09/30/2003	7	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Description Communication app are on the cover she is with the correspondence address Period for Reply An Unit And Un	4		/Y K				
Examiner Michael M. Thompson 3763		Application No.	Applicant(s)				
Michael M. Thompson 3783 Wichael M. Thompson 3783 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE f MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE f MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified shows is less than shirty (30) days, a reply within the statisticy militiation of this (20) days, will be considered timely. If the period for reply specified shows is less than shirty (30) days, a reply within the statisticy militiation of this (20) days, will be considered timely. If the period for reply specified shows is less than shirty (30) days, a reply within the statisticy militiation of this for shirty days and will replied (30) (40) MoNTH's from the mailing date of this communication. If the period for reply is specified shows is less than shirty (30) days, a reply within the statistic present of the first of the communication. If the period for reply is specified shows it has the shirty period and will replied the shirt of the shirty of the communication. If the period for reply is specified and the risk emailing date of this communication, even if threely filed, may reduce any searce part of the communication. A price this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) f.28 is/are pending in the application. 4a) Of the above daim(s) is/are allowed. Claim(s) is/are allowed. Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are allowed. Claim(s) is/are rejected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is/are allowed. Claim(s) filed on is/are shown and the	Office Action Commence	09/922,473	URICH, ALEX				
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THE MAILING DATE OF THIS COMMUNICATION. Ederations of time may be available under the provisions of 3 CPR 1.15(6). In no event, however, may a reply be firrely filed after SX (5) MONTHS from the mailing date of the communication. It no provides the provision of the communication of the communication of the provision of the pr	The MAILING DATE of this communication app Period for Reply	। ars on the coversne t with the (correspondence address				
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Application/Control Number: 09/922,473

Art Unit: 3763

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-25, drawn to an aspiration tube/flow restrictor, classified in class 600, subclass 156.
 - II. Claims 26-28, drawn to a method for aspirating a cornea, classified in class 604, subclass 30.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I. and II. are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process of using that product such as aspirating and filtering tracheal secretions through a tracheostomy.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (703) 305-1619. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Brian Casler, can be reached on (703) 308-3552. The official fax phone number for submissions to the organization where this application or proceeding is assigned is (703) 872-9302. The official fax phone number for submission of After Final response is (703) 872-9303.

Michael M. Thompson

Patent Examiner

BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
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September 26, 2003